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UNCLAS SECTION 01 OF 04 KATHMANDU 000607

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STATE FOR SA/INS AND DS/IP/NEA
STATE ALSO PLEASE PASS USAID/DCHA/OFDA
STATE ALSO PLEASE PASS PEACE CORPS HQ
USAID FOR ANE/AA GORDON WEST AND JIM BEVER
MANILA FOR USAID/DCHA/OFDA
LONDON FOR POL/GURNEY
TREASURY FOR GENERAL COUNSEL/DAUFHAUSER AND DAS JZARATE
TREASURY ALSO FOR OFAC/RNEWCOMB AND TASK FORCE ON TERRORIST
FINANCING
JUSTICE FOR OFFICE OF THE DEPUTY ATTORNEY GENERAL/DLAUFMAN
NSC FOR MILLARD
SECDEF FOR OSD/ISA LILLENFELD

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SUBJECT: UPDATE ON NEPAL'S MAOIST INSURGENCY, MARCH 27-April
2, 2004

REFERENCE: (A) KATHMANDU 0588
(B) KATHMANDU 0516
(C) KATHMANDU 0591

SUMMARY

1. Indian police arrested Maoist senior politburo member Mohan Vaidya (Ref A). The Home Minister rejected the United Nation's (UN) call for a ceasefire, declaring that the Government of Nepal (GON) will not allow the Maoists "another chance to regroup." Nepal was unusually subdued this week with only sporadic incidents of violence which left two security personnel and five Maoists dead. Maoists still have not released the 33 captives taken after the attack in Myagdi District (Ref B). The GON released its 25-point human rights commitment paper to mixed reviews (Ref C). Britain's special envoy to Nepal said elections could resolve the current crisis, but must have the right environment. Maoists reportedly have warned NGOs not to visit the two western districts because they are "under the state of war." Maoists torched two passenger buses, and detonated several bombs in Kathmandu and its surrounding areas. Three children were killed by Maoist bombs, and two women died after rebels prevented an ambulance from reaching the hospital. Forty students were taken from the west reportedly for conscription into the Maoist militia. End Summary.

HIGH-LEVEL MAOIST CAUGHT IN INDIA

2. On March 30, Indian police arrested Maoist senior politburo member Mohan Vaidya, also known as Kiran, in the Indian city of Silguri along with another Maoist cadre (Ref A). Vaidya is the highest-ranking Maoist to be arrested since the start of the so-called "Peoples' War." According to the local press, a GON official said that the government would "immediately" request extradition. Maoist supremo Prachanda issued a statement the following day condemning Vaidya's arrest as a "trade-off" between the GON and India.

HOME MINISTER REJECTS UN

3. At a press conference on March 27, Kamal Thapa, Home Minister and Minister of Communication and Information, rejected the United Nation's (UN) call for a ceasefire, declaring that the Government of Nepal (GON) will not allow the Maoists "another chance to regroup." Minister Thapa accused the rebels of attempting to resume peace talks as a ploy to reorganize and strengthen their army by accumulating "arms and ammunition and training their cadres." He said dialogue was not possible until the "Maoists lay down arms and show commitment." In response to Kofi Annan's offer last week of assistance, Thapa said the GON did not "need any foreign mediation" and was "capable enough" to solve the current crisis on its own.

SUBDUED VIOLENCE

4. After suffering brutal attacks last week, violence in Nepal was unusually subdued this week with only sporadic incidents. Maoists gunned down a Royal Nepal Army (RNA) lieutenant in Kathmandu Valley on March 27, and a former police inspector with the National Investigation Bureau on March 31 in the western district of Kavre. Seven security personnel were injured on March 27 after the bus they were traveling in drove over a Maoist-planted landmine in Kaski District. Security personnel killed three Maoists and a civilian in Kaski District on March 27 during a security

operation. On April 1, two rebels died and three civilians were injured after a Maoist landmine detonated in the far-western district of Jumla.

FAMILIES PLEAD FOR RELEASE OF MAOIST CAPTIVES

15. Family members of kidnapped security personnel, including the Chief District officer (CDO), the highest ranking civil servant, and the Deputy Superintendent of Police (DSP), the highest-ranking police officer, made a desperate appeal for their release. On March 27, the families were joined by local human rights activists who urged the Maoists to adhere to international laws and release the 33 captives, who were taken after the massed attack in Myagdi District (Ref B). The Maoists reportedly have allowed the International Red Cross to visit the hostages, but are adamant that the GON release three of their senior members (Matrika Yadav, Suresh Ale Magar, and Tilak Sharma) from detention before they set the hostages free. There has been no public comment from the GON regarding the captives.

GON RELEASES HUMAN RIGHTS PAPER; RECEIVES MIXED REVIEWS

16. In an apparent response to international criticism of Nepal's human rights situation, Prime Minister Surya Bahadur Thapa revealed a 25-point commitment paper on March 26 highlighting the GON's action plan to stop further abuses (Ref C). Among some of the points listed, the GON pledged to take measures to prevent illegal detentions and maintain a record of all detainees. In addition, Thapa said the GON would work to facilitate the monitoring and investigations of the National Human Rights Commission (NHRC).

17. Reaction to the announcement was mixed. On April 1, Acting UN High Commissioner for Human Rights Bertrand Ramcharan welcomed the GON's public commitment, but said the GON must also firmly support nationwide monitoring to ensure adherence to international standards. The European Union (EU) praised the GON for taking a "much needed first step," but also echoed the need for providing technical, financial and logistic support to the NHRC. The EU called upon the Maoists to observe the same standards on human rights contained in the government's paper, and criticized the increase in violence by the rebels despite their so-called public commitment to the Geneva Convention.

18. The NHRC, which initially lauded the government's plan as positive, is in a war of words with the GON over accusations against the Commission. On April 1, the local press reported that the NHRC received a letter from the Home Ministry accusing the Commission of smearing the image of security forces through its one-sided reporting. The letter reportedly alleged that the NHRC was being directed by the Maoists on what to report, and therefore demanded that the NHRC include a representative of the security forces on each of its investigation teams. Sushil Pyakurel, member of the NHRC, dismissed the demand as "silly," and fired back that the GON was infringing on the impartiality and independence of the commission.

ELECTIONS CAN SOLVE CURRENT CRISIS

19. On March 26, Sir Jeffrey James, the British special envoy to Nepal, said elections could resolve the current crisis if they occur under the right environment. Speaking to reporters, James said a voting atmosphere "free of fear, intimidation and violence," was necessary for credible and acceptable elections to Nepal. Declaring that it is "more necessary than ever" to find a solution, James called on a "negotiated settlement" to the current conflict. On March 28 Home Minister Kamal Thapa challenged the Maoists to "make use of" the elections to prove they are sincere in trying to resolve the country's problems. Thapa also urged the insurgents to declare a ceasefire during the elections.

MAOISTS RESTRICT NGOS; DISRUPT HEALTHCARE

110. Maoist leaders in the western districts of Banke and Bardiya, two of the districts hit hardest by the insurgency, reportedly have warned NGOs not to visit the areas. A March 30 press report said that the rebels had declared the districts "under the state of war," and are restricting any NGOs from entering. Healthcare workers in the Maoist heartland district of Rukum, also in the west, report being subjected to harassment and intimidation by both the security forces and the insurgents. A report commissioned by the Department for International Development (DFID), the German Technical Cooperation, and the Swiss Agency For Development and Cooperation (SDC) said the healthcare workers are warned by security forces not to treat the Maoists, while the rebels accuse them of spying for security

forces. A member of the National Human Rights Commission also alleged use of stimulants among frontline Maoists.

¶11. Maoists torched two passenger buses in separate incidents. On March 28, rebels ambushed a bus traveling from Kathmandu, killing one and injuring a dozen others. On March 29, a bus heading towards Rupandehi District was torched by armed rebels who forced the bus to stop and ordered the passengers off by gunpoint. Two bomb blasts tore through a Ministry of Defense office building in Kathmandu on March 29. No casualties were reported. On March 31, suspected Maoists detonated three bombs in three different government office buildings in Bhaktapur, just outside the Kathmandu Valley. On March 24, Maoists in the western district of Dhanusha ordered two French tourists out of their vehicle and subsequently pushed it into the river. The rebels said the tourists had violated the Maoist vehicle ban. On March 28, Maoists ambushed a vehicle in Banke District carrying exam papers for students waiting at the examination center. Minor damage was caused, but students were able to take the exam.

¶12. In the far-eastern district of Teharathum two girls were killed after a bomb detonated inside a house on March 26. Maoists reportedly claimed responsibility, saying it was an "accidental blast." On March 30, a four-year-old boy was killed and another seriously injured in the central district of Gorkha after a bomb left behind by Maoists exploded. On March 28, a woman in Dadeldhura District, which borders India on the west, died from excessive bleeding after Maoists prevented the ambulance from taking her to a hospital in India. In that same district, a pregnant woman also died after family members could not reach the hospital due to the Maoist-imposed blockade in the area.

¶13. Maoists in the western district of Baglung reportedly abducted 40 students from various parts of the district. Their whereabouts remain unknown, but locals believe they were taken for conscription into the Maoist militia. On March 31, the local press reported that as many as 1000 people were rounded up by the Maoists in the far-western district of Bajura to participate in the rebel's "Public Campaign" programs. According to locals, the insurgents had announced a week earlier that a member from each family would have to go with them. Three other civilians were also taken by insurgents; a Village Development Committee (VDC) secretary from the eastern district of Udayapur on March 29;

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and a former soldier and civilian in Makwanpur District on April 1. Five teenagers abducted by the Maoists last month reportedly are working in a Maoist labor camp after refusing to take part in Maoist activities. Three of them are married women.

MALINOWSKI